

From: [Friday, Kimberly I. \(CIV\)](#)
To: [Phillip Barber](#); [Cote, Nancy \(USASC\)](#)
Cc: [Dick Harpootlian](#); [Boroughs, Adair \(USASC\)](#)
Subject: RE: United States ex rel. Houston v. Medtronic PLC, et al.
Date: Wednesday, July 10, 2024 9:26:00 AM

Phillip,

As McLeod hasn't served its answer yet, would you consider instead a notice of voluntary dismissal without prejudice pursuant to FRCP 41(a)(1)? You can style it with prejudice to Ms. Houston and without prejudice to the United States, if you prefer. We can file a consent to dismissal after the notice is filed.

The government will consent to dismissal only if it is without prejudice to the United States.

Thanks,
Kim

From: Phillip Barber <pdb@harpootlianlaw.com>
Sent: Tuesday, July 9, 2024 2:33 PM
To: Friday, Kimberly I. (CIV) <Kimberly.I.Friday@usdoj.gov>; Cote, Nancy (USASC) <NCote1@usa.doj.gov>
Cc: Dick Harpootlian <rah@harpootlianlaw.com>; Boroughs, Adair (USASC) <ABoroughs@usa.doj.gov>
Subject: [EXTERNAL] United States ex rel. Houston v. Medtronic PLC, et al.

Counsel,

No agreement was reached at mediation and we intend to proceed with service of an amended complaint. Previous counsel named McLeod Health Inc. as a defendant but in the amended complaint we are not going to name McLeod as a defendant. The six-year statute runs this fall. Will the Government consent to a motion requesting the dismissal with prejudice of McLeod?

Thanks,

Phillip D. Barber
RICHARD A. HARPOOTLIAN, P.A.
1410 Laurel Street
Post Office Box 1090
Columbia, South Carolina 29202
(803) 252-4848
(803) 252-4810 (facsimile)

pdb@harpootlianlaw.com